

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

**UNITED STATES OF AMERICA,**  
*Plaintiff*

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**CIVIL ACTION NO. 69-14430**

**VERSUS**

**JUDGE ROBERT G. JAMES**

**CATAHOULA PARISH SCHOOL  
BOARD, *et al.*,**  
*Defendants*

\* \* \* \* \*

**MOTION FOR RECONSIDERATION**

Defendant Catahoula Parish School Board (“Board”) respectfully moves the Court for reconsideration of its recent order that granted the Louisiana State Conference NAACP (“NAACP”), an *amicus* in this matter, sweeping relief on the basis of a so-called “emergency” motion, including modification of the Parties’ Plan of Work, without the opportunity for the Board to respond to the NAACP’s untimely motion.<sup>1</sup> The Board respectfully submits that the Court should reconsider its Order and deny the NAACP’s motion for the following reasons.

1. As an initial procedural matter, the NAACP is only an *amicus* with limited authority in this matter. Generally, amicus are prohibited from filing their own motions. Thus, the NAACP’s motion was procedurally improper.

2. The NAACP is not a party to this case. The NAACP has neither intervened nor does it have any authority to litigate any matter in this case. Notwithstanding the procedural issues, it is entirely improper for a non-party to request relief for itself, much less for a modification of a Plan of Work prepared by the Parties.

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<sup>1</sup> See Amicus Louisiana State Conference NAACP’s Emergency Request for Relief in Response to the Parties’ Joint Proposed Plan of Work, Record Document 65; *see also*, Order, Record Document 66.

3. The NAACP's *amicus* status was granted leave to file an "*amicus* brief in this matter ... limited to its input of the [C]ourt's potential appointment of a special master."<sup>2</sup> While the Court also noted that the NAACP could "provide its input to the attorneys for The Government and School Board as the case progresses,"<sup>3</sup> nothing in the Court's Order granted the NAACP any other authority to participate in this case, such as participating in discovery or receiving reports from the Board. Nor was the NAACP authorized to "monitor" the Board's unitary status progress.

4. The basis for the NAACP's request is a vaguely defined "emergency," which is little more than an unsupported, improper, and untimely request to obtain discovery and modification of the Parties' Plan of Work. In fact, there was no emergency that required immediate action from this Court because the NAACP, at a minimum, knew of the planned site visit since August 1, 2019 when the Parties filed their Joint Second Report. The so-called "emergency" was entirely because of the NAACP's own delay and request to join a site visit a few days beforehand.

5. Even though the Board did not agree to the NAACP's untimely request, the Board's counsel informed the NAACP that they could request and schedule *their own appointment* to tour the schools with the Board.

6. Despite the Court's prior Order allowing the NAACP to provide input to the parties' counsel, to date, the NAACP has offered no input on any matter. The only direct contact the NAACP has had with the Board has been to make their own informal discovery requests.<sup>4</sup>

7. This Motion is supported by the Memorandum filed contemporaneously herewith and incorporated herein as well and by Exhibit A - emails between NAACP and Board Counsel.

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<sup>2</sup> Order, Record Document 47 at p. 2 (emphasis supplied)

<sup>3</sup> *Id.*

<sup>4</sup> As a non-party, the Board maintains the NAACP is not entitled to any discovery, whether formal or informal.

**WHEREFORE, PREMISES CONSIDERED,** the Catahoula Parish School Board respectfully requests that the Court reconsider its Order granting *amicus* Louisiana State Conference NAACP's request for emergency relief, vacate its prior order, and deny the NAACP's motion.

**Respectfully submitted,** this the 9<sup>th</sup> day of September 2019.

**CATAHOULA PARISH SCHOOL BOARD**

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